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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PALM AVENUE HIALEAH TRUST, A
DELAWARE STATUTORY TRUST FOR
AND ON BEHALF AND SOLELY WITH
RESPECT TO PALM AVENUE HIALEAH
TRUST, SERIES 2014-1,

Plaintiff,

v.

SPINNAKER POINT AVENUE TRUST,
RIVER GLIDER AVENUE TRUST,
SATICOY BAY, LLC SERIES 5982
SPINNAKER POINT AVENUE,
ABSOLUTE COLLECTION SERVICES,
LLC, AND MOUNTAIN GATE AT
SUNRISE MOUNTAIN HOMEOWNERS
ASSOCIATION

Defendants.

CASE 2:17-cv-00445-APG-EJY

**STIPULATION AND ORDER TO
VACATE THE JUNE 26, 2023, TRIAL
DATE**

The parties to this action, Plaintiff PALM AVENUE HIALEAH TRUST (**Palm Avenue Trust**), Defendant MOUNTAIN GATE AT SUNRISE MOUNTAIN HOMEOWNERS ASSOCIATION (the **HOA**) and Defendant SATICOY BAY LLC SERIES 5982 SPINNAKER POINT AVENUE (**Saticoy Bay**) stipulate to vacate the trial date currently set for June 26, 2023, to be reset after the resolution of Saticoy Bay's appeal of this court's order dated February 22,

2023, **Order Granting in Part and Denying in Part Plaintiff's Motion for Summary** [Doc. 140].

This order found in favor of Plaintiff Palm Avenue Trust ("Palm Ave") on its declaratory relief and/or quiet title claims and as to all crossclaims alleged against Palm Ave but not on Palm Ave's unjust enrichment claim. Defendant Saticoy Bay intends to appeal the decision regarding the declaratory relief and/or quiet title claims, but in order to effectuate the appeal, the unjust enrichment claim must be resolved. In that regard, the parties have entered into a tolling agreement regarding the claims that remain pending after the Court's order granting Palm Ave's motion for summary judgment, and Palm Ave will be filing a dismissal without prejudice of that claim shortly. This in addition to a stipulated judgment approved by all the parties so to properly perfect this matter for appeal.

Additionally, Plaintiff Palm Ave filed a *Motion for Assignment of Rents* on May 1, 2023. That motion has been fully briefed. The parties are awaiting the Court's decision regarding the *Motion for Assignment of Rents* before filing the appeal as the decision on the *Motion for Assignment of Rents* may affect, or may be included in, the appeal.

Given the foregoing procedural posture, the parties request that the trial date currently set for June 26, 2023, be vacated, and reset after the resolution of Saticoy Bay's appeal.

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ORDER

IT IS ORDERED that the trial date currently set for June 26, 2023 is vacated, to be reset after the resolution of Defendant Saticoy Bay's appeal of this court's order dated February 22, 2023, **Order Granting in Part and Denying in Part Plaintiff's Motion for Summary** [Doc. 140].


HON. ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE
DATED: June 1, 2023

Respectfully submitted by:

BOYACK ORME & ANTHONY

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